Stantec

# Oilfield & Industrial Waste: Summary of Stakeholder Consultation

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# Executive Summary

Concerns raised by private landfill operators that a competitive advantage exists for regional and municipal landfill operators partnering with private companies to manage oilfield waste and other types of industrial waste led AENV to commence a policy review and stakeholder consultation process. The primary concerns of the private sector operators were that:

- The regional authority/municipality receives/has received public funding through the WMAP which in turn subsidizes the private partner
- Under s. 27 of the *Waste Control Regulation*, A.R. 192/1996, local authorities are exempt from the requirement to post security with AENV

A questionnaire was sent to 82 stakeholders asking for feedback on four statements related to oilfield/industrial waste. A stakeholder workshop was held on February 10, 2004 to review the results of the questionnaire responses, review the initial draft of the stakeholder consultation report, and provide a forum for further discussion. Overall, the consultation process allowed for clarification of issues and sharing of ideas and resulted in a number of conclusions and suggestions for proceeding, as summarized below.

Both public and private stakeholders expressed that **environmental protection** is a key issue, and that to be effective, regional/municipal landfills with specialized cells must adhere to current standards for design, construction and operation. The process for approving new cells for both public and private facilities needs to be consistent and transparent, and subject to the same public consultation process and design and operating standards. Also, financial security must be comprehensive, consistent and equivalent.

Regarding **public/private partnerships**, some benefits of the public/private partnership arrangement were noted, but there was concern expressed over the process, or lack thereof, for entering into these partnerships. The main concern did not appear to be with partnerships per se, but with the type of partnerships that may arise that do not require posting of financial security, which makes for inconsistent rules. Some stakeholders felt that the opportunity for creating partnership should be more open and accessible, while allowing the marketplace control over how the partnerships develop. It was generally thought that partnerships should not be discouraged, however, they must not provide access to government grant money to the private sector, nor should such partnerships allow a proponent to circumvent the regulatory process. The same environmental regulatory requirements and regulatory scrutiny should apply to partnership facilities as other facilities. Regional facilities that have a public/private partnership should be serving public needs first.

Regarding AENV **grant programs**, it was generally agreed that AENV grant programs should not be used to benefit private enterprise. Public stakeholders felt that the existence of a public/private relationship should not exclude the regional authority/municipality from receiving grants for its municipal solid waste operations. However, the private sector operator that owns or operates an oilfield/industrial waste landfill cell at a municipal solid waste facility may receive an indirect benefit if grant funds are made available to the regional authority/municipality for its MSW capital development. The highest and consistent standards should apply to all waste management facilities, owners and operators. Accountability should be consistent. Landfill capacity should address long term MSW needs first. Capacity should not be compromised by special cells for oilfield/industrial waste. It was suggested that AENV review/audit existing facilities to assess current practices in the use of grant money.

Generally, stakeholders felt that **financial security** requirements are inconsistent between municipalities and regional authorities, as well as between private and public facilities, and that they need to be comprehensive and consistent. Similar, but not necessarily identical, financial security requirements should apply to both public and private sector landfill operators. Private partners should be held responsible for environmental/financial liabilities arising from oilfield/industrial waste in the special waste cells. It is clear from the discussion that municipalities and regional authorities employ different methods of accounting for and setting aside funds for environmental issues. Some of the municipal representatives at the workshop indicated that regional authorities and municipalities are supposed to carry an environmental reserve fund, which is similar to the financial security requirement. There is a lack of understanding among many stakeholders regarding financial security requirements and practices of regional and municipal bodies. Stakeholders agreed that it would be helpful for municipalities to clarify if and how they are setting aside an environmental reserve fund for environmental incidents and closure/post-closure costs. It was suggested that regional authorities/municipalities could collect security deposits from their private partners to provide some financial protection for themselves. The stakeholders agreed that a mechanism should be in place to fund closure/post-closure costs for all landfills.

# 1.0 Introduction

## 1.1 BACKGROUND

Over the past decade, a number of regional and municipal landfill operations, originally established with government funding through the Waste Management Assistance Program, have entered into agreements[1] with private sector firms to offer disposal services for non-hazardous oilfield waste[2] and/or non-hazardous industrial waste[3] in specially designed landfill cells. In some instances, this service is offered in direct competition with privately operated industrial landfill sites.

Alberta Environment (AENV) became aware of concerns raised by private operators regarding these partnerships, including:

- Public funding has been used in some cases, at least in part, to subsidize the engineering and construction of these landfills
- Private partners are able to take advantage of public funding for the feasibility study and existing infrastructure
- Neither the local authority nor its private partner is required to post security with AENV before commencing operation or reclamation of the waste management facility or specially designed cell[4]

[1] It is expected that there are a variety of legal arrangements in place between regional authorities/commissions or municipalities and private companies offering waste management services. Throughout this report, terms such as "agreement" and "partnership" are used in the colloquial versus strictly legal sense.

[2] Pursuant to the *Memorandum of Understanding on Harmonization of Waste Management* (Interim Directive ID 2000-03), AENV is the agency responsible for regulating all off-site landfills, including those that accept oilfield waste, non-oilfield waste, or a mixture of oilfield and non-oilfield wastes. Under the *Waste Control Regulation*, A.R. 192/1996 (WCR), all waste regulated by AENV, regardless of whether it is oilfield or non-oilfield waste, is termed "waste." However, for the purposes of this report, the term "oilfield waste" is used to describe waste produced by upstream oil and gas facilities and activities, and managed at regional, municipal, and privately operated landfills regulated by AENV.

[3] The term "industrial waste" is not specifically defined under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, or the regulations, but typically comprises a variety of waste streams from different industrial sectors, such as surplus products, spent materials, process wastes, and contaminated soils.

[4] Section 27 of the WCR reads:

(1) Where an approval or a registration is required in respect of
  (a) a waste management facility, excluding an on-site facility, or
  (b) a hazardous recyclable facility,

- There are inconsistencies in terms of financial security for municipal and "partnered" facilities compared to private facilities
- The public may be assuming environmental and financial liability associated with oilfield or industrial waste disposal at municipal facilities
- There may be fairness issues for public landfill owners who do not have private partnership opportunities to offset costs.

Overall, the concern raised is that a competitive advantage may exist for private operators partnering with regional or municipal landfills, and that an uneven playing field for disposal of oilfield and industrial wastes has been created.

As a result of these concerns, AENV decided to not accept new applications for approval for designated oilfield/industrial cells at municipal or regional landfills until a formal policy review process was completed. This stakeholder consultation process was initiated in direct response to these issues.

## 1.2 WASTE MANAGEMENT ASSISTANCE PROGRAM

The Waste Management Assistance Program (WMAP) was established in 1975/76 to support the establishment of regional landfills through co-operative programs involving at least two (2) urban municipalities and the rural jurisdiction surrounding them. The goal of the program is the replacement of open dumps and old modified landfills with landfills that are designed, constructed and operated in accordance with current standards. In most cases a landfill is developed if possible, however, in some cases only transfer stations are constructed and waste is transported to a private landfill or a regional landfill in another jurisdiction.

To date, 51 regional waste management authorities[5] have received funding, and approximately 350 old landfills have been closed. Funding provided is in the order of $70 million. The need for another eight (8) systems has been identified to complete the network. Virtually all of the current activity is in northern Alberta. Table 1.1 provides a summary of the items that are eligible for funding under the WMAP.

the Director shall require the applicant for the approval or registration to provide security before operation or reclamation of the facility commences.
(2) Subsection (1) does not apply where the applicant for the approval or registration is the Crown or a local authority.

[5] In this report, the term "authorities" includes authorities, commissions, corporations and associations.

**Table 1.1: WMAP Eligible Costs**

| ITEM | TERMS |
|---|---|
| 1. Feasibility Study | • 100% funded (consultant contracted by AENV for municipalities) |
| 2. System Design and Engineering | • 75% funded |
| 3. Landfill Site Acquisition (e.g., land purchase, hydrogeological testing, legal fees, and appraisal fees) | • Not funded |
| 4. Application Fees | • Not funded |
| 5. Landfill Construction | |
| - Site preparation | • 75% of cost of initial development* |
| - Erection of fences and signs | • 75% of purchase and construction costs |
| - Internal roads | • 75% of initial internal road construction |
| - Drainage control | • 75% of site drainage control and final grading |
| - Buildings (office, scale house, etc.) | • 75% of costs for office, scale house and shop buildings to meet operation, security, and OH&S requirements |
| - Landfill equipment (e.g. compactors) | • Not funded |
| - On-site utilities and services | • 75% of on-site utilities for site operation, security, and OH&S requirements |
| - Weigh scales | • 75% of purchase and installation costs |
| 6. Waste Transfer Station Construction | |
| - Site preparation and earthwork | • 75% of construction costs |
| - Erection of fences and signs | • 75% of purchase and construction costs |
| - Buildings and related structures | • 75% of purchase and/or construction costs for transfer station buildings and site supervisor accommodations |
| - Drainage control | • 75% of site drainage control |
| - On-site utilities and services | • 75% of on-site utilities required for site operation, security, and OH&S requirements |
| 7. Transfer Station Containers | • 75% of waste transfer containers to provide adequate level of service for transfer system |
| 8. Recycling Facilities | • 75% of purchase/construction cost/equipment when regional waste management plan implemented |
| 9. Landfill Operating Costs | • Not funded |
| 10. Oilfield/ Industrial Waste Cells and Landfills | • Not funded |

* Includes construction of first municipal solid waste cell to serve the first two years of operation.

## 1.3 FACILITIES ACCEPTING OILFIELD/INDUSTRIAL WASTE

Table 1.2 provides a summary of the regional, municipal, and private facilities that are currently accepting non-hazardous oilfield waste and/or non-hazardous industrial waste, based on AENV records.

As per Table 1.2, the 'structure' of the facilities in terms of ownership and partnership vary including:

- Private stand-alone facilities
- Municipal stand-alone landfill, with a designated cell or bio-remediation
- Municipal landfill/private partner relationship, with a designated cell or bio-remediation
- Regional landfill/private partner relationship, with a designated cell or bio-remediation

A total of 24 facilities are noted as accepting non-hazardous oilfield and/or industrial waste, including:

- 14 private stand-alone landfills
- 1 municipal stand-alone landfill with a bio-remediation cell/pad
- 1 municipal landfill with a private partner with a designated cell for oilfield waste
- 1 municipal landfill with a private partner with a bio-remediation cell/pad
- 5 regional landfills with private partners with a designated cell for oilfield waste
- 1 regional landfill with a private partner with a bio-remediation cell/pad
- 1 regional landfill with a private partner with a designated cell and bio-remediation cell/pad

In addition to the above-noted facilities, there are other municipal solid waste (MSW) landfills accepting contaminated soils and other industrial wastes, with levels of contaminants as per the limits set out in their approvals, that do not have a separate waste cell, rather, they are taking these wastes as alternate cover.

Of the 24 facilities, four facilities originally received permits to operate under the *Public Health Act* (West Edmonton Landfill, Clover Bar Landfill (Edmonton), Big Valley Landfill, and Calgary BFI Landfill), and continue to operate under the terms and conditions of the *Public Health Act* permits (now "deemed to be approvals" under

EPEA). The deemed approvals will expire on the expiry date specified in the permit (if the permit contains an expiry date) or on September 12, 2006, whichever is sooner. If these landfills are going to be operated beyond September 12, 2006, they will be required to apply for new approvals under EPEA.

**Table 1.2: Facilities Accepting Non-Hazardous Oilfield/Industrial Waste**

| TYPE | LOCATION | PARTY(IES) | APPROVING BODY |
|---|---|---|---|
| **NORTHERN REGION** | | | |
| Private Stand-Alone | Spirit River | NewAlta | AENV |
| | LaGlace | CCS | AENV |
| | Fox Creek | CCS | EUB |
| | Mitsue Park | CCS | EUB |
| | Swan Hills | Devon Canada Corp* | AENV |
| | Rainbow Lake | CCS | AENV |
| | Simonette | Suncor | AENV |
| | West Edmonton | Canadian Waste | Health/AENV |
| | Spirit River | Hazco/Wasteworks | AENV |
| Regional/Private Partner | St. Isidore | East Peace Regional Landfill Authority/ Private Company (designated cell & bio-remediation) | AENV |
| | Fairview | North Peace Regional Landfill Commission/Private Company (designated cell) | AENV |
| | Wagner | Lesser Slave Regional Waste Management Services/Private Company (bio-remediation only) | AENV |
| | High Level | Mackenzie Regional Waste Management Authority/Private Company (designated cell) | AENV |
| Municipal/Private Partner | Edmonton | City of Edmonton Cloverbar Landfill/ Private Company (bio-remediation only) | Health/AENV |
| **CENTRAL REGION** | | | |
| Private Stand-Alone | Big Valley | Canadian Waste | Health/AENV |
| | Coronation | Capital Environmental | AENV |
| | Drayton Valley | Byram Industrial Services | AENV |
| | Ryley | Clean Harbor | AENV |
| Regional/Private Partner | Rocky Mountain House | Rocky Mountain Regional Solid Waste Authority/Private Company (designated cell) | AENV |
| **SOUTHERN REGION** | | | |
| Private Stand-Alone | Calgary | BFI | Health/AENV |
| Municipal Stand-Alone | Lethbridge | Lethbridge Regional Waste Management Commission (bio-remediation only) | AENV |
| Regional/Private Partner | Brooks | Newell Regional Solid Waste Management Authority/Private Company (designated cell) | AENV |
| | Pincher Creek | Crowsnest Pincher Creek Landfill Association/Private Company (designated cell) | AENV |
| Municipal/Private Partner | Medicine Hat | City of Medicine Hat/Private Company (designated cell) | AENV |

*Does not take third party wastes

# 2.0 The Consultation Process

## 2.1 QUESTIONNAIRE

In December 2003, AENV sent out a total of eighty-two (82) questionnaires to regional waste management authorities, municipalities, waste generators, private waste management companies, municipal and industry associations, non-government organizations, and regulators (stakeholders). The complete list of stakeholders is provided in Appendix A.

Four draft policy statements (reproduced below) were posed to the stakeholders for response in the questionnaire. Stakeholders were to respond with a ranking from 1 "strongly disagree" to 5 "strongly agree" with an opportunity to provide comments on each issue. A copy of the cover letter and full questionnaire is provided in Appendix B.

1. Regional waste management facilities can function effectively as locations for specialized non-hazardous oilfield/industrial waste cells.

2. Partnerships should not be discouraged; fairness issues can be addressed through administrative policies.

3. Alberta Environment grant programs should not be used to fund facilities when the service is being provided by private enterprise, or where private enterprise is prepared to offer that service in a particular service area.

4. Financial security requirements should be the same whether the approval holder is a municipality or a private enterprise.

In processing the questionnaire responses stakeholders were categorized as either "public" or "private". "Public" stakeholders include regional waste management authorities, municipalities, and NGOs. "Private" stakeholders include waste generators, waste brokers, waste management companies, waste treaters, recyclers, disposal companies, and private Class I and Class II landfill owners/operators.

A total of fifty-one (51) responses to the questionnaire were received from the 82 questionnaires sent out. Appendix C provides a table summarizing the scores, opinions and comments for each policy statement. Responses are sorted by public and private sectors.

## 2.2 FIRST DRAFT REPORT

In early February 2004, AENV provided all stakeholders (both those that responded to the questionnaire and those that did not) with a copy of the first draft of this report, and invited them to attend a stakeholder workshop to discuss the oilfield/industrial waste policy consultation, the questionnaire results, and the draft report.

## 2.3 WORKSHOP

On February 10, 2004, AENV hosted a half-day stakeholder consultation workshop in Edmonton. The workshop:

- Provided background information on the oilfield/industrial waste policy consultation process
- Explained how this consultation process fits with other ongoing department consultation processes
- Reviewed the results of the oilfield/industrial waste consultation process and draft summary report
- Provided an opportunity for further discussion, clarification, and sharing of ideas among stakeholders.

At the workshop, there was additional discussion on each of the four policy statements among the stakeholders that attended. Stakeholders were advised that they would receive a second draft of the report that would incorporate their comments from the workshop.

As a general comment about the consultation process, it was suggested by one stakeholder that this policy discussion should be included as part of the Alberta Waste Strategy consultation initiative that is currently underway. At the workshop, AENV noted several reasons for dealing with these issues now:

- The issues regarding oilfield waste disposal and public/private partnerships that are the subject of this consultation are primarily economic versus environmental
- They are specific issues that arose prior to the formation of the Waste Management Stakeholder Group (WMSG) and need to be dealt with in the short term due to the moratorium
- The WMSG will be looking at the broader issue of the management of contaminated soils and approval and operating requirements as part of its process

# 3.0 Results

This part summarizes the stakeholder responses from the questionnaire, and additional comments received at the stakeholder workshop on February 10, 2004.

On the questionnaires, not all stakeholders responded to all questions, thus the number of responses varies slightly. The tables below include in the first column the number of respondents on each policy statement (i.e., number of total responses, public stakeholder responses, and private stakeholder responses). Each response carries equal weight in spite of significantly more responses from public stakeholders than private stakeholders. However, the results are presented such that the reader can compare public and private stakeholder responses separately, as well as overall.

**1. Regional waste management facilities can function effectively as locations for specialized non-hazardous oilfield/industrial waste cells. Please explain your position.**

| RESPONSE | 1 STRONGLY DISAGREE | 2 | 3 | 4 | 5 STRONGLY AGREE |
|---|---|---|---|---|---|
| All responses (51) | 10% | 12% | 14% | 12% | 53% |
| Public stakeholders (42) | 5% | 10% | 14% | 14% | 55% |
| Private stakeholders (9) | 22% | 22% | 11% | 0% | 44% |

Over half of the total respondents (53%) strongly agreed (score of 5) that regional waste management facilities can function effectively as locations for specialized non-hazardous oilfield/industrial waste cells, and an additional 12% agreed (score of 4). A total of 22% disagreed (2) or strongly disagreed (1) with this statement. 14% scored 3 on the response.

For public stakeholders, 69% either agreed or strongly agreed with the policy statement, 15% disagreed or strongly disagreed, and the remaining 14% scored in the middle. Private stakeholders were evenly split, with 44% strongly agreeing with the statement, and 44% scoring a 1 (strongly disagreed) or 2 (disagreed) on the scale. 11% scored a 3.

## QUESTIONNAIRE COMMENTS

Stakeholders that agreed with the statement indicated a potential benefit of a revenue source from the oilfield/industrial waste cells. Other benefits included improved environmental protection through the siting, approval process, facility design and operation, and waste acceptance protocols, as well as availability of additional cover material, and efficiency of operations. The regional facilities are seen as more environmentally sound, cost-efficient facilities than the former municipal "dump" sites.

Environmental protection and cost savings were also expressed as benefits as opposed to dealing with long hauling distances for disposal of the oilfield/industrial waste. The large Alberta oil and gas industry was noted as justification for supporting development of oilfield cells at these facilities, and municipalities would like equal access to the market. It was expressed that a regional facility should have the flexibility to accept the wastes that are within the discretion of their approval, based on science and engineering decisions, not political ones.

Of the stakeholders that disagreed with the statement, one of the biggest concerns was the perceived potential liability with the oilfield/industrial cell, which would service the need of the private sector. The private sector partner was viewed as not necessarily being available to finance potential long-term clean-up/remediation costs, leaving the public sector (municipalities and thus the taxpayers) with this liability. Another concern was the use of taxpayer monies to fund private enterprise initiatives. A comment was made that co-mingling of oilfield/industrial waste with MSW should not be allowed as it will impact the use of these waste soils as alternate cover, and the use of land treatment operations.

Some concerns were raised over the technical skills and training of staff at regional facilities and whether they are adequately skilled for handling oilfield/industrial waste. In addition, the facility operations must be in compliance with its approval and applicable legislation.

The availability of landfill capacity for the disposal of municipal solid waste for the municipalities was seen as a priority and should not be compromised by these special cells using landfill capacity if the capacity is limited.

Stakeholders scoring in the mid-range (3) indicated that the ability of a regional facility to function effectively as a location for oilfield waste cells is dependent on the site hydrogeology, land availability, the need for the facility, the availability of reasonable alternatives, the use of soils for cover, and depending on whether the facility is AENV approved to accept these wastes. The regional facility needs to address both environmental stewardship and cost efficiencies for the customers.

## WORKSHOP COMMENTS

Environmental protection was considered a key issue. If all facilities/landfill cells approved to accept non-hazardous oilfield/industrial wastes are designed, constructed and operated in accordance with current regulatory requirements, in general, the stakeholders are not concerned. The design and construction of some of the landfills that are *Public Health Act* permits/deemed approvals under EPEA was an issue.

Some stakeholders felt that there were more potential environmental concerns arising from municipal solid waste in terms of the leachate generation and potential impact to the environment.

One stakeholder felt that the approval process was more transparent for a privately owned/operated facility versus a public facility. Other stakeholders felt that the approval process is generally consistent for all waste management facilities.

## SUMMARY

- Generally, neither public nor private stakeholders have an issue with the effective functioning of regional/municipal waste management facilities as locations for specialized oilfield and/or industrial waste cells, as long as the design, construction, and operations are carried out to current standards and financial security is comprehensive, consistent and equivalent.
- The primary concerns arise with 'historical' facilities (i.e., those with *Public Health Act* permits that have been 'deemed' approvals under EPEA) in that there is a perception among some stakeholders that they may be operating oilfield/industrial waste cells without adequate engineering, design, and operating standards in place.
- It was felt that the process for approving and amending approvals of public and private facilities must be consistent and transparent, and subject to the same public consultation process and design and operating standards.

**2. Partnerships should not be discouraged; fairness issues can be addressed through administrative policies. Please identify any concerns inherent to these partnerships and opportunities to achieve fairness.**

| RESPONSE | 1 STRONGLY DISAGREE | 2 | 3 | 4 | 5 STRONGLY AGREE |
|---|---|---|---|---|---|
| All responses (51) | 14% | 0% | 16% | 20% | 51% |
| Public stakeholders (42) | 12% | 0% | 14% | 21% | 52% |
| Private stakeholders (9) | 22% | 0% | 22% | 11% | 44% |

71% of all respondents strongly agreed (5) or agreed (4) that partnerships should not be discouraged, and 14% strongly disagreed. Mid-range responses (3) numbered 16%. The percentages of strongly agreed/agreed and strongly disagreed/disagreed were roughly the same when sorted by public stakeholders (73% and 12% respectively). 55% of private stakeholders strongly agreed or agreed with the statement, while 22% strongly disagreed. Mid-range responses accounted for 22%.

## QUESTIONNAIRE COMMENTS

Among the stakeholders that agreed with the statement, public/private partnerships are seen as potentially providing a revenue benefit to the public partner, as well as cost-efficiency in the use of the regional facility and its infrastructure. Benefits of environmental protection through reduced transportation needs, and thus fewer safety issues were indicated. A public/private partnership is considered more desirable than two separate facilities in close proximity that offer similar services and may end up in competition for the same waste. They felt that the same environmental regulatory requirements and regulatory scrutiny apply to partnership facilities as other facilities.

Those that disagreed expressed concerns over landfill capacities and long-term liabilities and risks. It was felt that regional facilities that have a public/private partnership should be serving public needs first. Some stakeholders felt strongly that administrative policies do not address fairness issues, and cited the Swan Hills Treatment Centre as an example. Consistent application of province-wide rules or guidelines, while allowing for flexibility to deal with site specific needs or conditions would help address the issues.

Stakeholders scoring in the mid-range (3) indicated that partnerships should be based on effective business plans through "user-pay" for services rendered and that adequate and proper characterization and management of the wastes is essential. An appropriate partnership could provide proper disposal options, and the potential for a more level playing field based on the advantages in a public/private partnership. Some respondents indicated that they were not well informed regarding the issue.

**WORKSHOP COMMENTS:**

Municipalities/regional facilities expressed the view that the mandate for their operations is unfavourable in comparison to private facilities in that they have to accept all non-hazardous wastes including non-profitable wastes and recyclables that are difficult to handle and more expensive to manage, compared to private facilities that can elect to only accept profitable non-hazardous oilfield and industrial waste (typically contaminated soil). Specifically the question was raised, would other private companies be allowed to take other profitable wastes (such as recyclable metals), leaving municipalities with even fewer profitable wastes/recyclables?

In a partnership, there are economic advantages to both the public and private parties. Partnerships take many forms and typically consist of an operating agreement or contract. The marketplace and the parties involved control how the partnerships develop. The issue is not with partnerships per se, but with the type of partnerships that may arise that do not require posting of financial security, which makes for inconsistent rules.

Under the *Municipal Government Act*, municipalities have the authority to regulate development within their municipality. It was generally agreed among participants that municipalities should not be able to use their position and authority to unilaterally restrict private development.

Both the public and private partner needs to consider the risks associated with the partnership and protect themselves against actions taken by their pa tners. If a municipality were to cease to exist, or went bankrupt, the province a sumes the risk/liabilities.

One stakeholder suggested that prior to a regional authority or municipality entering into a new contract or renewing an existing contract with a private sector partner for waste management services, the regional authority/municipality should have to undertake a Request for Proposal (RFP) process or tendering process. A properly designed RFP has the flexibility to allow the private partner to be creative in their submission.

There are advantages to partnerships for both the public and private partner, however some private operators feel that the opportunity for partnership should be more open and accessible, while allowing the marketplace control over how the partnerships develop. Some stakeholders disagreed.

## SUMMARY

Comments received on this statement were quite varied, however, the following summarizes the main points:

- The issue is not with partnerships per se, but with the type of partnerships that may arise that do not require posting of financial security, which makes for inconsistent rules.
- Partnerships should not be discouraged, however, they must not provide access to government grant money to the private sector, nor should such partnerships allow a proponent to circumvent the regulatory process.
- Regional facilities that have a public/private partnership should be serving public needs first.
- Both the public and private partner needs to consider the risks associated with the partnership and protect themselves against actions taken by their partners.

**3. Alberta Environment grant programs should not be used to fund facilities when the service is being provided by private enterprise, or where private enterprise is prepared to offer that service in a particular service area. Please advise how private sector conflicts can be identified or prevented.**

| RESPONSE | 1 STRONGLY DISAGREE | 2 | 3 | 4 | 5 STRONGLY AGREE |
|---|---|---|---|---|---|
| All responses (50) | 32% | 2% | 16% | 16% | 34% |
| Public stakeholders (41) | 37% | 2% | 17% | 15% | 29% |
| Private stakeholders (9) | 11% | 0% | 11% | 22% | 56% |

The stakeholder response to the statement ranged widely, as evidence in the above table. Of total responses, 50% agreed (4) or strongly agreed (5) with the statement, where 34% disagreed (2) or strongly disagreed (1). For public stakeholders, the split was fairly even with 44% agreeing/strongly agreeing, and 39% disagreeing/strongly disagreeing. For private stakeholders, 78% agreed or strongly agreed with the statement, and only 11% strongly disagreed. In each case, the mid-range respondents ranged from 11 to 17%.

## QUESTIONNAIRE COMMENTS

In general, most stakeholders felt that AENV grant programs should be used for the benefit of the public bodies (municipalities) and that private enterprise should not benefit from public funding. Some stakeholders felt that AENV can manage/track the use of grant money through issuing its approvals and through audits of the facilities. Conflicts can also be addressed through the public notice process in the approval process. Third party audits, review of facility financial statements, and annual revenue reporting can be used to monitor use of grant money.

Many municipalities noted, however, that they are experiencing increasing costs for infrastructure and operations, and feel that they should not be exempt from grant monies simply because they have a private partner. A comment was made that if "the service" refers to recycling and/or re-use initiatives rather than strictly disposal, grant money should be available to private sector bodies or public/private partnerships.

Comments were made that grant money and public/private partnerships should both serve to reduce the costs to taxpayers. Government should not subsidize industry for the waste it produces, and municipalities should not have to compete with the private sector. The majority of stakeholders want to see a level playing field with consistent

guidelines. It was suggested by one stakeholder that AENV could regulate against private/public partnerships, keeping a clear line between government and business.

Mid-range responses (score of 3) included the suggestion that regional authorities/municipalities could return a portion of the grant if it was used for an industrial waste cell, or funding could be based on a portion of the use by the private versus public sector, or depending on the specific application. Funding should only be available to facilities designed and constructed according to the regulations.

## WORKSHOP COMMENTS

Stakeholders clarified that AENV grant funding is available to cover infrastructure costs, but not for oilfield/industrial waste cells. Other funding may be available through other government funding programs, such as through Alberta Transportation. It was noted that not all municipalities are eligible for funding and not all municipalities that apply for funding receive it. Larger municipalities in particular (cities of Edmonton and Calgary) are not eligible for funding. AENV does not provide funding if a facility already exists that "serves the needs of the area", however there is no set distance that AENV uses to define the "service area". Decisions are made on a case-by-case basis. Through the program, municipalities are being forced into regional facilities and need private partners to make it work. There is a delay in obtaining the grant money and no guarantee that they will get it. Constructing a landfill is relatively inexpensive compared to operating a landfill, and grant funding is not available for operating costs.

It was noted by a stakeholder that oilfield/industrial customers/generators are part of the public to be served by public facilities. In some areas, alternate facilities may not exist.

Waste generators generally do not deposit oilfield/industrial waste in a co-mingled cell. Funding is not available for cells taking co-mingled waste. At times, the private partner pays for some infrastructure costs at the waste management facility.

It was noted that public entities do not have to pay GST on some items such as equipment, if the items are used for dealing with municipal solid waste. This gives them a financial advantage over private companies. It was felt that private partners should not realize any tax benefits from the partnerships, and that perhaps private sector partners should have to match public funding in some fashion, where private partners benefit from the funding.

Stakeholders questioned whether AENV will be strict in their regulatory requirements as of 2006 (the year that many landfill approvals have to be renewed), and what is expected to happen to smaller municipalities that cannot afford the current engineering and operation standards, and do not have a private partner. AENV

responded that all landfills would be expected to comply with current standards. The regional Approval Managers will schedule upgrades accordingly for each facility. AENV will review whether funding will be available for initial upgrade requirements.

## SUMMARY

- It was generally agreed that AENV grant programs should not be used to benefit private enterprise. Public stakeholders felt that the existence of a public/private relationship should not exclude the regional authority/municipality from receiving grants for its municipal solid waste operations. However, it appears that the private sector operator that owns or operates an oilfield/industrial waste landfill cell at a municipal solid waste facility will receive an indirect benefit if grant funds are made available to the regional authority/municipality for its MSW capital development.
- The highest and consistent standards should apply to all waste management facilities, owners and operators. Accountability should be consistent.
- Landfill capacity should address long term MSW needs first. Capacity should not be compromised by special cells for oilfield/industrial waste.
- A number of suggestions were put forward:
  - AENV should review/audit existing facilities to assess current practices in the use of grant money.
  - Municipalities/regional authorities could be required to return a portion of the funding if they enter into a partnership and the funds were used in relation to or benefited an oilfield/industrial waste cell.
  - Private partners should be held responsible for environmental/financial liabilities arising from oilfield/industrial waste in the special waste cells.

**4. Financial security requirements should be the same whether the approval holder is a municipality or a private enterprise. Please advise of any special concerns regarding assessment of financial security for private landfills operating in conjunction with municipal or regional landfills and stand-alone private landfills.**

| RESPONSE | 1 STRONGLY DISAGREE | 2 | 3 | 4 | 5 STRONGLY AGREE |
|---|---|---|---|---|---|
| All responses (50) | 26% | 12% | 8% | 18% | 36% |
| Public stakeholders (41) | 32% | 15% | 10% | 20% | 24% |
| Private stakeholder (9) | 11% | 0% | 0% | 0% | 89% |

Of the total responses, 54% of respondents agreed or strongly agreed, and 38% disagreed or strongly disagreed to the statement. For public stakeholders, the spilt of agree/strongly agree and disagree/strongly disagree was about even (44% and 47% respectively). The large majority of private stakeholders strongly agreed with the statement (89%) and only 11% strongly disagreed.

## QUESTIONNAIRE COMMENTS

Private sector stakeholders felt very strongly that financial security requirements should be the same for both the public and private sectors. If remediation costs are the same, financial security requirements should be the same.

Public sector stakeholders generally feel that they are around for the long-term, thus the risks are much different with a private sector operator that may dissolve leaving the liabilities with their facility behind. Municipalities have a long history of stability and therefore the financial security issue is different. Operating protocols should be in place and reviewed in the approval process.

In general, all stakeholders feel that the risks and liabilities with a landfill/waste management facility need to be addressed to cover closure/post-closure costs including clean up/remediation costs. For both public and private entities, monies need to be set aside to address these requirements in order that the Alberta government is not left with the liabilities.

Stakeholder responding in the mid-range (3) noted that financial security can be provided through environmental impairment insurance, and are required to protect the public.

## WORKSHOP COMMENTS

There was a general lack of understanding among stakeholders regarding security requirements, in terms of the differences in security for municipalities and regional authorities and how they compare to private companies. Stakeholders were not clear as to whether financial security requirements for municipalities are regulated through other legislation (e.g., *Municipal Government Act*), or are simply a matter of general accounting practices that may vary from municipality to municipality. Stakeholders were also not clear on the types of security that are used by private and public entities (i.e., letter of credit, cash, etc.).

There appeared to be variations among municipal/regional bodies regarding the impact of external audits in terms of accounting for and accumulating funds, and whether municipalities are required to specifically designate funds for environmental incidents and closure/post-closure costs, or if the funds can be used for other municipal purposes as they arise. There was variation among municipalities on whether they put aside funds for both environmental incidents that may arise during the life of the landfill, and for closure/post-closure costs, or simply one or the other. Stakeholders questioned how funds are accumulated for future landfill cell development.

One stakeholder suggested that AENV could conduct a survey of financial security that is in place at public facilities. On completion of the survey, it could re-assess what financial measures need to be in place to address closure/post closure and environmental needs.

## SUMMARY

- There is a lack of understanding among many stakeholders regarding financial security requirements and practices of regional and municipal bodies. It is clear from the discussion that municipalities and regional authorities employ different methods of accounting for and setting aside funds for environmental issues.
- Some of the municipal representatives at the workshop indicated that landfill authorities and municipalities are supposed to carry an environmental reserve fund, which is similar to the financial security requirement.
- Financial security requirements are inconsistent between municipalities and regional authorities, as well as between private and public facilities. They need to be comprehensive and consistent.
- Many stakeholders want to ensure that similar, but not necessarily the same, financial security requirements apply to both public and private sector landfill operators.

- Some suggestions related to this issue were put forward:
  - To improve understanding among stakeholders, municipalities should clarify how they are accounting for environmental reserve funds.
  - Regional authorities/municipalities could collect security deposits from their private partners to provide some financial protection for themselves.

# APPENDIX A
# LIST OF STAKEHOLDERS

| Stakeholder | Affiliation | Category [1] |
|---|---|---|
| Athabasca Regional Waste Management Commission | Waste Authority | B |
| Beaver River Regional Waste Management Commission | Waste Authority | B |
| Central Peace Regional Waste Management Commission | Waste Authority | B |
| East Peace Regional Landfill Authority | Waste Authority | B |
| Evergreen Regional Waste Management Commission | Waste Authority | B |
| Fairview Waste Management Authority (M. D. of Clear Hills # 21) | Waste Authority | B |
| Greenview Regional Waste Management Authority | Waste Authority | B |
| High Prairie & District Regional Solid Waste Management Authority | Waste Authority | B |
| Lakeland Regional Waste Management Authority | Waste Authority | B |
| Lamont County Regional Solid Waste Commission | Waste Authority | B |
| Long Lake Regional Waste Management Commission | Waste Authority | B |
| MacKenzie Regional Waste Management Authority | Waste Authority | B |
| Roseridge Waste Management Services Commission | Waste Authority | B |
| Whitecourt Regional Waste Management Authority | Waste Authority | B |
| West Grande Prairie County Solid Waste Authority | Waste Authority | B |
| Westlock Regional Waste Management Services Commission | Waste Authority | B |
| Barrhead Regional Landfill Authority | Waste Authority | B |
| Camrose Regional Waste Management Authority | Waste Authority | B |
| Drayton Valley Regional Landfill Authority | Waste Authority | B |
| Flagstaff Regional Solid Waste Management Association | Waste Authority | B |
| Highway 43 East Waste Commission | Waste Authority | B |
| Lacombe Regional Solid Waste Authority | Waste Authority | B |
| Leduc & District Regional Waste Management Authority, c/o City of Leduc | Waste Authority | B |
| Ponoka County | Municipality | B |
| Red Deer Waste Management Facility | Municipality | B |
| Rocky Mountain Regional Solid Waste Authority | Waste Authority | B |
| Stettler Regional Waste Management Authority | Waste Authority | B |
| County of Two Hills Regional Waste Management Commission | Waste Authority | B |
| Vermilion River Regional Solid Waste Management Authority | Waste Authority | B |
| Wainwright Regional Waste-To-Energy Authority | Waste Authority | B |
| West Dried Meat Regional Landfill Authority | Waste Authority | B |

| Stakeholder | Affiliation | Category [1] |
|---|---|---|
| West Yellowhead Waste Management Authority | Waste Authority | B |
| M.D. # 52 Waste Management Authority | Waste Authority | B |
| Big Country Regional Waste Mgmt Commission | Waste Authority | B |
| Bow Valley Waste Management Commission | Waste Authority | B |
| Chief Mountain Regional Solid Waste Authority | Waste Authority | B |
| Crowsnest-Pincher Creek Landfill Association | Waste Authority | B |
| Drumheller & District Solid Waste Management Association | Waste Authority | B |
| Foothills Regional Services Commission, C/o Municipal District of Foothills | Waste Authority | B |
| Lethbridge Regional Waste Management Commission | Waste Authority | B |
| Mountain View Regional Waste Commission | Waste Authority | B |
| Newell Regional Solid Waste Management Authority | Waste Authority | B |
| North Forty Mile Regional Waste Management Services Commission | Waste Authority | B |
| Redcliff/Cypress Regional Waste Management Authority | Waste Authority | B |
| South Forty Waste Services Commission | Waste Authority | B |
| Taber and District Regional Waste Management Authority | Waste Authority | B |
| Vulcan County Waste Authority | Waste Authority | B |
| Willow Creek Regional Waste Management Services | Waste Authority | B |
| Regional Municipality of Wood Buffalo Landfill, Waste & Recycling Services | Waste Authority | B |
| City of Edmonton | Municipality | B |
| Aquaterra / City of Grande Prairie Landfill | Municipality | B |
| City of Lethbridge | Municipality | B |
| Lesser Slave Regional Waste Management Services | Waste Authority | B |
| Lloydminster Landfill/ City of Lloydminster | Municipality | B |
| City of Medicine Hat, Environmental Utilities Department | Municipality | B |
| City of Wetaskiwin | Municipality | B |
| Parkland County | Municipality | B |
| MD of Rocky View No. 44 | Municipality | B |
| MD. of Thorhild No. 7, Thorhild Landfill | Municipality | B |
| Town of Cochrane | Municipality | B |
| Town of Fort Macleod | Municipality | B |
| Town of Grande Cache | Municipality | B |
| Town of Stony Plain | Municipality | B |
| Town of Three Hills | Municipality | B |

| Stakeholder | Affiliation | Category [1] |
|---|---|---|
| Town of Vegreville, Public Works Dept. | Municipality | B |
| Northern CARE | NGO | B |
| Calgary Regional Partnership | NGO | B |
| Alberta Association of Municipal Districts and Counties | Association/ public | B |
| Alberta Urban Municipalities Association (AUMA) | Association/ public | B |
| Energy and Utility Board (EUB) | Regulator | B |
| CCS Income Trust | Class II landfill owner/ operator | V |
| WasteWorks Inc. | Class II landfill operator | V |
| WasteCo. Environmental Services Ltd. | Waste management company | V |
| Alberta Oilfield Treating and Disposal Association | Association/ private | V |
| Environmental Services Association of Alberta/ c/o Proeco Corporation | Association/ private | V |
| WM Canadian Waste, West Edmonton Landfill | Class II landfill owner/ operator | V |
| Capital Environmental Resources Inc. | Class II landfill owner/ operator | V |
| WasteCo Environmental Services | Waste management company | V |
| CleanHarbors | Hazardous waste landfill owner/ operator | V |
| Pembina Area Landfill | Hazardous waste landfill owner/ operator | V |
| NewAlta | Waste recycling/ disposal company | V |
| BFI | Class II landfill owner/ operator | V |

[1] V: private B: public

## APPENDIX B
## COVER LETTER AND QUESTIONNAIRE

Environmental Assurance
Environmental Partnerships
and Education Branch

Main Floor, 9820 - 106 Street
Edmonton, Alberta
T5K 2J6

Telephone 780-427-6310
Fax 780-422-4086

To Regional Waste Management Authorities and Commissions and Industry Stakeholders

Dear Mr. :

In the past decade a number of regional landfill operations, originally established with government funding through the Waste Management Assistance Program, have formed relationships with private sector firms to offer disposal services for non-hazardous oilfield waste in specially designed landfill cells. There are instances where this service is offered in direct competition with privately operated industrial landfill sites.

Alberta Environment has become aware of perceptions about a competitive advantage offered to private landfills operated in conjunction with regional landfills. This perception may be based on the fact that public funding has been used, at least in part, to subsidize the engineering and construction of these landfills. In addition, no security deposits are currently required from municipalities. Competing private operators are concerned that these municipal/private operations have created an uneven playing field for disposal of oilfield wastes.

Effective immediately, Alberta Environment will not accept applications for approvals for designated oilfield/industrial cells at municipal or regional landfills, (with or without proposed partnerships), until a formal policy review process is complete.

We are soliciting your feedback on draft policy positions (attached) to provide Alberta Environment direction regarding grant administration and approval requirements. Your comments on the policy positions are requested by January 16, 2003.

We will subsequently facilitate a discussion on this topic at a meeting of stakeholders on February 10, 2004 to provide an opportunity to review a policy discussion paper that has incorporated the comments. Joanne Smart and Gloria Gerber with Stantec Consulting will be facilitating the meeting and the process. An Agenda and details of this meeting will be provided

at a later time. We expect to have final policy recommendations made by the end of February, 2004. Please send your comments to Gloria Gerber at Fax number (780) 917-7249.

Your views on this issue are critical to the development of an effective policy and I thank you in advance for your participation. If you have any questions on Alberta Environment`s review of policy relating to municipal/private landfill agreements, you can contact Mr. Dave Whitfield at Dave.Whitfield@gov.ab.ca or (403) 297-8255 or Judy Morris at Judy.Morris@gov.ab.ca or by phone (780) 422-2144.

Yours truly,

Beverly Yee
Director

Enclosure

## DRAFT POLICY POSITIONS

1. **Regional waste management facilities can function effectively as locations for specialized non-hazardous oilfield/industrial waste cells.**

**Strongly disagree 1 2 3 4 5 Strongly Agree**

Please explain your position.

2. **Partnerships should not be discouraged, fairness issues can be addressed through administrative policies.**

**Strongly disagree 1 2 3 4 5 Strongly Agree**

Please identify any concerns inherent to these partnerships and opportunities to achieve fairness.

3. **Alberta Environment grant programs should not be used to fund facilities when the service is being provided by private enterprise, or where private enterprise is prepared to offer that service in a particular service area.**

**Strongly disagree 1 2 3 4 5 Strongly Agree**

Please advise how private sector conflicts can be identified or prevented?

4. **Financial security requirements, should be the same whether the approval holder is a municipality or a private enterprise.**

**Strongly disagree 1 2 3 4 5 Strongly Agree**

Please advise of any special concerns regarding assessment of financial security for private landfills operating in conjunction with municipal or regional landfills and stand-alone private landfills.

# APPENDIX C
# SUMMARY OF QUESTIONNAIRE RESPONSES

**1. Regional waste management facilities can function effectively as locations for specialized non-hazardous oilfield/ industrial waste cells - PUBLIC**

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| 1 | X | | | | | Concerned about the liability costs after the fact. Municipalities will be in existence but private enterprise may not. |
| 2 | | | | | X | In some areas there are no alternatives. Sumps, bilge water, motor oil, filters. |
| 3 | | | | | X | Extra revenue decreases taxpayer responsibility to fund capital needs. |
| 4 | | | X | | | Completely depends on each site and the availability of land. |
| 5 | | | | X | | Landfills need more cover material than can be provided by native soil only. Hydrocarbon soil can provide these crucial daily cover materials. |
| 6 | | | | | X | I would like to be clear in my response, that I am not endorsing dedicated cells for oilfield/industrial waste in municipal landfills. I am specifically endorsing the use of hydrocarbons-contaminated soil as Alternate Daily Cover material. This soil waste has been of great use to our Facility, as the excavation and stockpiling of our native soil during cell construction does not provide al of the cover necessary during operation of the cell.<br><br>The industrial landfills are better suited to dedicate cells for other types of oilfield/industrial waste e.g. Industrial powders. |
| 7 | | X | | | | Fixed costs when worked out per ton are too high when no oilfield waste is accepted. |
| 8 | | | | | X | We are currently working with private industry to create a dedicated engineered cell for special waste disposal. Revenue sharing with the private company is working with mutual benefits. Cell design and construction is paid for by cell revenues, not government funding. |
| 9 | | | | | X | Not indicated. |
| 10 | | | X | | | It would depend on individual circumstances--the landfill's hydrogeology as an example, the presence or absence of reasonable alternatives. In other words, what would best serve the twin functions of waste management--sound environmental stewardship and cost efficiency for our consumers. |
| 11 | | | | | X | We strongly agree with potential of Regional waste management facilities ability to handle non-hazardous oilfield/industrial waste provided they are authorized to do so. We are not seeking this type of arrangement with private industry but if it becomes a common sense solution to a problem, we don't feel that it should be eliminated from the possibilities. |
| 12 | | | | | X | Yes and they have been for many decades. |
| 13 | | | | | X | These types of activities provide Regional Landfill Authorities with additional funds to fulfill future expansions. They also provide a local service component for industrial users. |
| 14 | | | | X | | It's revenue for waste commissions or municipalities to offset costs for operation of waste management facilities. |
| 15 | | X | | | | -Lack of suitable surface areas<br>-High capital costs |

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| 16 | | | | | X | As long as the facility is approved by AENV, the facility may choose to accept certain specialized non-hazardous o/i waste. Of course I'm talking only about Class II landfills. The site will have to be set up by an APEGGA consultant, for the area used to accept the waste. |
| 17 | | | | | X | As regulated facilities supported by local authorities, regional landfills are a reliable destination for oilfield wastes. |
| 18 | | | | | X | Generators of oilfield/industrial waste have the same financial concerns as generators of any other kind of waste: they want to find the least expensive option for disposing of their waste. The most important cost factor is hauling distance. If a publicly owned regional or municipal landfill is centrally located and can meet all stringent environmental criteria, there is no reason why that landfill should be barred from accepting such waste. |
| 19 | | | | | X | Regional landfills provide secure sites for this type of waste and provide assurance to disposer that waste will be properly managed and cared for. Municipal sites are designed and constructed to strict standards. A large cost to oil field waste is the hauling cost. The location of municipal and regional sites minimizes hauling distances and minimizes disposal costs. This will ensure that the wastes are handled in a proper manner. |
| 20 | | | X | | | Some kind of facility should offer the service. |
| 21 | | | | X | | Less facilities throughout the Province is better than more. It also makes the facility more efficient. |
| 22 | | | | | X | It has been proven when properly permitted these facilities do function effectively and provide a much needed service to help create the Alberta advantage. |
| 23 | | | | | X | Absolutely. Oil and Gas is responsible for a very vital industry in Alberta's economy with substantial environmental issues to address. Due to the fact that generally regional landfills are located with accessibility of the "region" in mind as well as attending to all the other concerns of the public, it is clear that municipal landfills are fitting locations to address the environmental issues the oil and gas industry faces. |
| 24 | | | | | X | Not indicated |
| 25 | | | | | X | Not indicated |
| 26 | | | | | X | Materials can be controlled, monitored and reclaimed if placed in a supervised area. |
| 27 | | | | | X | As a regional facility we are probably better equipped to function as a disposal area for oilfield/ industrial waste. During the initial set up we are required to be able to safely handle these products. We were required to meet the landfill requirements for ground run off plus our areas had to meet all environment standards for control of any contaminants placed in the landfill to stop any future seepage to surrounding areas. |
| 28 | | | | | X | A "regional" or "local" facility can function effectively presuming they are not in competition with someone else who is providing the service "local" to the community. |
| 29 | | X | | | | I believe these facilities can function effectively using joint infrastructure such as buildings, scale and equipment etc., also lightly contaminated soil is a good source of ADC, however I do not believe industrial disposal cells on landfill property is a good idea for liability and use of municipal landfill space reasons. |
| 30 | | | | | X | In more remote areas, the cost of developing and approving a landfill as compared to population #'s is very high, and the need for additional income. |

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| | | | | | | sources to offset capital, operating, and post closure costs is evident. |
| 31 | | | X | | | Remediated soils can be reused as cover, may lower operating costs for both parties. |
| 32 | | | X | | | Technically yes<br>Politically – not sure if correct |
| 33 | | | | | X | Since local people control this, they have a direct interest in ensuring it is done correctly. |
| 34 | | | | | X | Regional waste facilities can function effectively as locations for specialized non-hazardous oilfield /industrial waste cells either as Regional Waste Commission or in partnership with private sector firms, if no other private sector firms or viable operations are located within the service area. Each application should be considered carefully as to the circumstances of the application, for example a municipal region may be in search for ways to fund its municipal waste operations deficit or because of its demography no private sector firm offers the service. |
| 35 | | | | | X | The regional waste sites have already been approved by AENV and locations are difficult to come by. Setting aside area for non-hazardous oilfield / industrial waste cells would be fairly easy to do |
| 36 | | | | X | | Regional waste facilities are an appropriate place to collect non-hazardous oilfield/industrial waste cells. Regional Waste Sites are closely monitored by AENV and we can be assured that waste will be handled under AENV regulations. |
| 37 | X | | | | | Although the non-hazardous oilfield industrial waste definition provides for a very small percentage of hazardous chemicals, the volume of waste generated in the two areas creates the hazardous circumstances. |
| 38 | | | X | | | Only if the private sector is a full partner in management and operations. |
| 39 | | | | X | | It is important to do what we can to encourage industry to recycle. By using local facilities will keep waste down for industry and by default encourage recycling. |
| 40 | | | | X | | Our landfill has a healthy trade in remediating oilfield wastes. |
| 41 | | X | | | | Not Indicated |
| 42 | | | | | X | Not Indicated |
| **42** | **2** | **4** | **6** | **6** | **23** | |
| **# 1** | **5%** | **10%** | **14%** | **14%** | **55%** | |

**1. Regional waste management facilities can function effectively as locations for specialized non-hazardous oilfield/ industrial waste cells - PRIVATE**

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| 1 | | X | | | | Capacity of regional landfills is based on MSW only and growth rates. Regional industrial waste landfills should be designed for industrial waste only. |
| 2 | X | | | | | No matter what, they will be subsidized by the taxpayer and therefore unfair to compete with the private sector. Also, landfilling is not the "core" business of a municipality and when there is a conflict of issues, decisions will be made to suit the municipality & not the Landfilling Process & Regulations. |
| 3 | | | | | X | Regional Landfills can function effectively so long as they are well designed and well managed with operators trained in oilfields/industrial waste classification and regulations, etc. Regional waste facilities must be held to the standard as private operatives of "approved" facilities. |
| 4 | | | | | X | The ability to recycle and/ or reuse hydrocarbon contaminated soil, rather than landfilling, is paramount. Waste management companies need to be able to partner with RWMF's in order to do this effectively. |
| 5 | | | | | X | Partnerships between Private and Public sectors provide the development of Oilfield Waste facilities that are strategically located throughout the province, these partnerships minimize the current long distance transportation of oilfield waste across the province. |
| 6 | X | | | | | -Most of these wastes would be considered hazardous/dangerous if not for the regulatory exemption, which allows the disposal of these wastes to occur in MSW, landfills.<br>-The public should not be expected to accept the liability associated with oilfield waste.<br>-These partnerships should be discouraged and it should be legislated that municipal waste facilities cannot accept oilfield waste.<br>-In general, many municipalities struggle with future landfill space. They should handle what they should be handling: Municipal solid waste. |
| 7 | | X | | | | Regional waste facilities are not required to post financial assurance/security and for this reason the long term environmental impact of accepting certain waste streams is not taken into consideration when these facilities accept industrial and oilfield waste for disposal. Private operators carry environmental impairment liability insurance and regional operators may not be required to carry this. Many regional facilities are not designed or engineered to the same level as privately owned and operated facilities. Often the level of training of the employees at regional waste management facilities is not at the same level as the employees at privately operated facilities. |
| 8 | | | | | X | The cost of disposal and management of solid, non-hazardous industrial and oilfield waste is primarily a function of the distance from the nearest available facility. Regional landfills are well situated to function as waste facilities, provided they have technical and waste management support, and appropriate engineering and operational controls in place. Eliminating regional landfills from acting as service providers for the disposal of non-hazardous industrial/oilfield waste puts an economic burden on generators of waste by significantly increasing transportation costs. According to the purpose of AEPEA, there is a need to integrate environmental protection and economic decisions; erecting financial barriers to remediation projects involving non-hazardous waste does not seem consistent with the Act. |
| 9 | | | X | | | As they stand right now, no they can't. Unless the landfill has made specific application to AENV for acceptance of these waste streams through the same process as a commercially operated facility then there is no assurance that they can operate to the same standard. |
| **9** | **2** | **2** | **1** | **0** | **4** | |
| **#1** | **22%** | **22%** | **11%** | **0%** | **44%** | |

**2. Partnerships should not be discouraged; fairness issues can be addressed through administrative policies - PUBLIC**

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| 1 | X | | | | | Partnerships between municipalities are okay, not private enterprise. |
| 2 | | | | X | | Does this apply to sumps, bilge water in barges, drilling mud, etc ? |
| 3 | | | | | X | Transportation of waste over many miles leads to economic as well as safety concerns. |
| 4 | | | X | | | Not familiar with the issues. |
| 5 | | | | X | | If by "fairness" you mean consistency in billing, this is a challenge. EUB regulated facilities are performing a service – one way only – to dispose of, or treat & return soil. Landfills & HC soil is a two way service (serves both client and landfill). |
| 6 | | | | | X | Because Industrial/Commercial/Institutional (ICI) waste tonnage is included in calculating the per person volume of waste disposed of in any given community or province, it is logical that Municipal partnerships with industry are valuable. These partnerships should cover waste reduction and diversion efforts as wells as other aspects of waste management. |
| 7 | | | | | X | Not indicated. |
| 8 | | | | | X | Not indicated. |
| 9 | | | | | X | Not indicated. |
| 10 | | | | X | | The ultimate judgment on a partnership is if the public is most efficiently served. If we operate a public landfill, and are licensed to accept a certain type of waste, it would seem most efficient if a private firm might use our facility to dispose of acceptable waste if that represents the least distance, and we both can cover costs or make a profit. We currently have that partnership, albeit informal, with a private waste disposal firm. They accept waste from oilrigs, provide sorting/recycling/hazardous services, and dispose of the remaining acceptable general garbage at our landfill. It provides both of our firms sufficient revenue, and provides efficiency of distance for both the private firm and their consumers. |
| 11 | | | | | X | As a representative for the public at large the fairness depends on whom we want to be fair to. The public and private company can be satisfied but private landfills may feel this is unfair. Being fair to the public is our priority and if a deal is negotiated that benefits the public we think that we should have the ability to pursue that avenue. |
| 12 | | | | X | | Possible liability issues should be addressed when they're in private partnerships. |
| 13 | X | | | | | From a standpoint of marketing and especially verifying testing results, I think Regional landfills should have that third party cushion. |
| 14 | | | | X | | -Liabilities on who is responsible<br>-Cost effectiveness |

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| 15 | X | | | | | Our Landfill, containing a total of 40 acres has insufficient space for handling of non-hazardous oilfield/industrial waste. |
| 16 | | | | | X | Municipal facilities that can, do welcome private enterprise to their site as a means of creating more revenue to off set the cost of operating their facility. Why are we concerned about the private landfills not being able to compete? If they can't compete and the waste is being disposed of properly, maybe they need to take a look at whether they are operating a feasible operation. |
| 17 | | | | | X | There should be clear, province-wide rules or guidelines for these partnerships that allow for some flexibility based on local circumstances. |
| 18 | | | | | X | Partnerships between publicly owned landfills, and private sector operators, for handling of oilfield/industrial wastes, are an excellent example of how the public and private sectors can co-operate to produce a win/win outcome. Together they can forge an operating relationship that works extremely well for not only themselves, but the industry and the residents in the area in which the landfill is located. It is not necessary to give up all the positive features of public-private sector partnerships to achieve "fairness". |
| 19 | | | | | X | Partnerships should not be viewed as being unfair or seen as negative. Partnerships allow for the creation of teams that draw from a broad variety of skill sets. These may be skill sets that are not readily available in the public sector or private sector. |
| 20 | | | X | | | Not Indicated |
| 21 | | | | | X | Time will pass that only private landfills will be able to operate. Landfilling costs and operators will only be able to be managed by private companies, not governments or regional partners. |
| 22 | | | | | X | We are not aware of any unfair issues related to these partnerships. Individuals that are complaining should provide specifics. Thus why do administrative policies need to be put in place? |
| 23 | | | | | X | Partnerships can naturally find ways to quite easily improve material (equipment and buildings) efficiencies where the private sector may benefit utilizing the established infrastructure of the given municipality. However, through contractual lease-type agreements it is the municipality's responsibility to protect their privilege, past and future, to the entitlement of provincial grant monies used to establish and improve the important waste management services to the public as a whole. Revenues of a fearful magnitude can be very beneficial to the municipality in a contractual partnership with the private sector. These revenues, well managed, can conversely reduce the provincial grant money applied for. |
| 24 | | | | | X | Not Indicated |
| 25 | | | | | X | Not indicated |
| 26 | | | X | | | Not indicated |
| 27 | | | | | X | These agreements must show shared responsibilities for the disposal of these wastes. |
| 28 | | | | | X | We don't believe a "Regional Facility" or local government should compete with private industry locally. Partnerships should not be encouraged if they will compete with pre-existing local facilities. Partnerships should not be discouraged if they will provide a service that currently doesn't exist. |

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| 29 | | | | X | | I think the types of partnerships described above should not be discouraged as they provide municipalities with an operational alternative that can be very beneficial to both parties as well as more economical for the municipalities. |
| 30 | | | | | X | The decision about what advantage to provide to business (if any) should be left with the local authority. |
| 31 | | | X | | | Not Indicated. |
| 32 | | | X | | | Technically, don't want them discouraged.<br>Politically, no comment. |
| 33 | | | | | X | Not Indicated. |
| 34 | | | | X | | Partnerships should not be discouraged however fairness issues such as AENV grant programs, security requirements, waste flow control and even inconvenience issues imposed on host municipalities should be addressed in application and through a policy. |
| 35 | | | | | X | Not Indicated. |
| 36 | | | | X | | Partnerships will be cost effective for parties concerned. (Cost Sharing) |
| 37 | X | | | | | The oilfield and industrial companies can and must be legislated to handle their own wastes.<br><br>Monitoring of partnerships for licensing purposes will be awkward. |
| 38 | | | X | | | Partnerships should be based on effective business plans through user pay for services rendered. |
| 39 | | | | | X | Any time industry decides to partner with anybody they should be applauded. If industry has partnered with others I believe that they would solve their own disputes without government interference. |
| 40 | | | | X | | Not Indicated. |
| 41 | X | | | | | Not Indicated. |
| 42 | | | | | X | Not Indicated. |
| **42** | **5** | **0** | **6** | **9** | **22** | |
| **# 2** | **12%** | **0%** | **14%** | **21%** | **52%** | |

**2. Partnerships should not be discouraged; fairness issues can be addressed through administrative policies. - PRIVATE**

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| 1 | | | X | | | Partnerships should not be discouraged. Management of Regional facilities can be easily facilitated, especially in conjunction with domestic landfills and industrial landfills. A partnership like this could help to ensure that only waste fit for the specified landfills is accepted at these facilities. Categorization and management of different waste streams could become much more efficient. |
| 2 | X | | | | | Some private firms reap the profits of a landfill business while getting a free ride when it comes to liability. When the municipal landfill finds itself with a contamination problem, all you will see is the taillights of the private partner. The taxpayers are left holding the bag. |
| 3 | | | | | X | Regional waste management facility partnerships must be monitored to ensure that "monopolies" are not created to exclude private operators from entering the market area. There have been instances where a regional waste management authority made up of municipal representatives has organized to keep a private operator out while establishing their "business". |
| 4 | | | | | X | It should be up to those involved, for example, the municipalities and the companies, to decide how their regions are best served. |
| 5 | | | | | X | There is an increase in operating costs to offset the imposed standards and requirements for the development of facilities. Partnerships provide a revenue source to the Municipalities, compensating for the rising MSW operating costs and in fact Private Industry then subsidizes the Municipality and in the end less public funds are required to operate the facility. |
| 6 | X | | | | | One only has to look at the SHTC to see an example of how fairness cannot be addressed through administrative policies. These "partnerships" need to be discouraged so that private industry is NOT competing with government at any level. How is AENV going to uphold consistency in waste management practices when MSW facilities are not compelled to operate in the same manner as if they were outside the MSW facility fence line. |
| 7 | | | X | | | In the partnership scenario the public sector "partner" is often not required to absorb the costs that private companies must foot the bill for – this can include paying property taxes, GST on heavy equipment and other capital expenditures. If there is a "partnership", government grants, loans and funding should not be available to either the regional facility or its "partners". Alternately, grants, funding, and tax breaks could be available to every landfill operator and receipt of these benefits would then be based on a set of specific criteria so the playing field is leveled. |
| 8 | | | | | X | Partnerships are critical to the appropriate management and disposal of the waste at regional landfills. Municipalities often do not have the resources or the expertise to assess or manage industrial/oilfield waste streams. The partnerships allow the specific expertise of waste managers and the revenues generated through waste disposal to be used by municipalities to construct and manage modern landfills. |
| 9 | | | | X | | Partnerships are fine provided that policy is in place to ensure equivalent standards. A partnership should not be used to get into the waste management business through the "back door". The "back door" in this case is the use of a municipal approval for the immediate acceptance of oilfield or industrial wastes. |
| **#** | **2** | **0** | **2** | **1** | **4** | |
| **# 2** | **22%** | **0%** | **22%** | **11%** | **44%** | |

**3. Alberta Environment grant programs should not be used to fund facilities when the service is being provided by private enterprise, or where private enterprise is prepared to offer that service in a particular service area. - PUBLIC**

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| 1 | | | | | X | Municipalities should not compete or appear to compete with private sector. |
| 2 | | | X | | | If private sector contaminated sewage sludge, or wash bay sumps due to actions of transport hauling units. The hauling industry needs inspection of UAC truck tanks, etc. |
| 3 | | | | | | The grant should benefit the generator not private enterprise. |
| 4 | | | | | X | I agree if the private enterprise is doing a good and thorough job. |
| 5 | X | | | | | Parameters for contamination are a good indicator of when a private enterprise is an appropriate option – if the amount of HC, chlorides, or heavy metals is higher than our available parameters, we send the soil along to an enterprise able to safely dispose of or press this material. |
| 6 | | X | | | | While private landfills may provide a service that municipal landfills are not prepared to (due to incompatibility of waste, volumes, etc.), they should not then assume to compete with municipal landfills. Municipal landfills, as a government facility, have the obligation to integrate policies with those of government initiatives. Private landfills, while they have a specific function, are perhaps not as likely to have the same priorities. |
| 7 | X | | | | | The government continues to slash funding to municipalities. Some found a way to reduce costs to their ratepayers by partnering. Why punish those who are following the government's mandate. |
| 8 | | | | X | | Municipal landfills should not be denied the opportunity to generate revenue to offset the high and increasing costs of waste management. |
| 9 | | | | | X | Not indicated. |
| 10 | X | | | | | Initial set-up grants were to create a system that private industry had not done. These grants are soon dwarfed by operational costs. We provide service to all, so a person in a corner of our region pays similar costs to one in the center. We provide the services on "money-losing" and "profit-making" items. We see the effects of private enterprise denying equal access. Regions served by private firms can offer lower rates to high volume customers, but not to rural customers. The ability to be "choosy" about who they serve is a competitive advantage to them. |
| 11 | X | | | | | Funding is provided for a wide range of services and should not be withheld if one or more of those services conflicts with private interests. Service to the public should be foremost but we don't believe that provincially funded operations should be actively seeking to compete against private landfills, but nor should they refuse environmentally sound and financially beneficial agreements if it is presented to them. Conflicts can be avoided if approval of the spacing of sites is appropriate. |
| 12 | X | | | | | Just because private enterprises are considerably stepping into this area more over the last 10 years it should not change the concept of primarily being a municipal area. |
| 13 | | | X | | | I think that in any activities above and beyond municipal solid waste streams and activities should not be funded by government grant activities. Our industrial cells were built without funding from the government sources. |
| 14 | | | | | X | By a monitoring process.<br>-financial statements<br>-audits<br>-annual revenue |
| 15 | | | | X | | Not indicated. |
| 16 | | | | | X | All Class II municipal landfills are approved by AENV. Therefore there should not be any problems as to whom is offering the service, since AENV is after all on top of all happenings at all landfills. This is why they have inspectors and approval writers. |
| 17 | X | | | | | Municipalities and the province have to do a better job of communicating to private operators the advantages of regional landfills partnering with the private sector.<br>Municipalities in a regional waste commission should be open to allowing a private operator to offer oilfield waste disposal on its own, if that private operator is financially stable and has a good track record. |
| 18 | | | | X | | We have no direct interest in the resolution of this question, since no such grant monies have ever been applied for or received in respect of our Landfill. We are generally in agreement with the principle that Alberta Environment grant funds should not be used to fund oilfield/industrial waste service facilities, and we suggest a simple way to ensure that provincial grant money is not misapplied. Whenever a public/private sector partnership is contemplated of |

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| | | | | | | has been established (class II landfill), that fact should be disclosed to Alberta Environment |
| 19 | | | X | | | Perhaps where the landfill receives a grant they should return a portion of that grant based on an opportunity basis that would create a leveler playing field. If the private landfill receives provincial or federal monies this should be taken into consideration. Where the Regional landfill does not receive grants from Alberta Environment they should be treated the same as a private landfill |
| 20 | | | | X | | Not indicated |
| 21 | | | | | X | Government should not subsidize private operation |
| 22 | X | | | | | AENV should review the success of existing public facilities. What has happened is that private enterprise has established facilities with false economics, now they wish to shut down public sector facilities when their finances do not work. Alberta Environment, before they permit new industrial facilities, should have the applicant prove the financial viability. Public sector facilities took the risk, established themselves, and now private enterprise wants to shut them down. |
| 23 | | | | | X | (Assuming that the question only relates to landfill applications) It can be suggested that a criteria (guidelines) be created for both municipal landfills and private sector companies to adhere to prior to entering into partnerships. These guidelines may suggest some ideas of funding the municipal landfill reserves through the private sector revenues generated |
| 24 | | | X | | | Confusing. We use private enterprises to carry out municipal business or should it be private enterprise at any cost |
| 25 | | | | | X | Not indicated |
| 26 | | | X | | | Not indicated |
| 27 | X | | | | | If a regional site is currently offering this service in an area, then the private sector should be encouraged to not develop in this area or remove waste from the area to another site but instead be encouraged to form a partnership with the regional facility to dispose of such. As with any business whether private or government funded the only way to become self-sufficient is to be able to make money through services provided. If regional facilities are now restricted then operation of such shall become dependent on government grants. No grants have been available to regional facilities since its initial funding for development. Perception of regional facilities was to eventually be self-sufficient and meet all the areas needs. Grants should be offered to all regional sites to encourage regional sites to take a leading role in proper disposal and proper handling of all waste |
| 28 | X | | | | | The line between private and public sector is blurred by 3P projects, etc. If the private sector is able to offer cost competitive services, the market will drive these decisions |
| 29 | | | | X | | AENV could still finance a part of the municipal expenditure<br>Private sector may not be willing to become involved if they are paying the full cost |
| 30 | | | | | X | If a service is being provided locally the grant program should not fund a competing facility. It becomes difficult when someone suggests they are prepared to offer the service as siting a facility can be difficult & the offer may not prove out or be doable. At any rate the grant program should look carefully at funding a program (cut out on fax) elect to provide that service, a business case should be prepared on the assumption they will totally fund that portion that is a non-municipal service & recover cost through fees |
| 31 | | | X | | | Funding could possibly be provided proportionally as to the expected use of the private partner or the primary use of the facility |
| 32 | | | | X | | If you say no, where else will it go?<br>Transportation issue, if proper program should be allowed |
| 33 | X | | | | | Not indicated |
| 34 | | | X | | | Again each application should be considered carefully as to the circumstances of the application. For this topic, non-hazardous oilfield/ industrial waste is not a required need for Regional Waste Commission as it is designed to serve its residents needs only with respect to household waste. If it seeks to handle other wastes outside its mandate them it should apply no differently than private sector business would |

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| 35 | X | | | | | I feel that government grant programs should not be given to private enterprise to encourage then to offer the service. |
| 36 | | | | | X | The majority of oilfield waste is handled by a private firm for the oil company and grants should not apply for hauling to a landfill be it regional or other. Grants, however should be for Municipalities as the cost of transporting waste to a regional site is very costly. |
| 37 | | | | | X | The private sector should be factoring in to their expense the cost to manage their non-hazardous waste. To do otherwise would be unrealistic and unwise. Therefore to subsidize the companies with tax payer dollars would be a gross error. It could even be double taxation since the public pays for the factored in cost when purchasing the company products and then pay again if grant funds were allocated. |
| 38 | X | | | | | Grants for solid waste management should be available to all based on tonnage & type of landfill. |
| 39 | | | | | X | Government should never compete with private enterprise. Before any government facilities are set up in an area, proper research must be done. Sometimes this is as easy as reading the yellow pages and the phone book. |
| 40 | X | | | | | Grants are necessary to allow what is right "regionally" to be done. Private sector may not be able to envision or want to respond to what is in a region's best interests. |
| 41 | X | | | | | Not Indicated |
| 42 | X | | | | | Not Indicated |
| **41** | **15** | **1** | **7** | **6** | **12** | |
| **# 3** | **37%** | **2%** | **17%** | **15%** | **29%** | |

3. **Alberta Environment grant programs should not be used to fund facilities when the service is being provided by private enterprise, or where private enterprise is prepared to offer that service in a particular service area. - PRIVATE**

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| 1 | | | X | | | Environment grant programs should be used to ensure that new landfills are designed according to regulations and constructed such that all facilities are in compliance of set approvals. Grants should also be used for monitoring and auditing these facilities. |
| 2 | | | | | X | Governments should stay out of business!<br>Governments should regulate business!<br>Governments should never do both as in the Swan Hills example. |
| 3 | | | | X | | Conflicts can be managed through the public notice process, regional facilities need to go through the same public process and disclose all aspects of the activity the same as a private operator, and concerns/obligations should be reviewed through the established process. |
| 4 | X | | | | | It's important to note the definition of "the service"- if it is disposal, then there will be conflict and funding one site may not be appropriate, but if it is "recycling/reusing", then there is no conflict as the services are different, and funding should be encouraged as a means of promoting the reduction of waste soil into landfills as waste. |
| 5 | | | | X | | As long as the MSW operations are separated from the Oilfield waste operations the grant program can still benefit the intended recipient, and in fact the shared scale and scale house is subsidized by private industry for their use, lowering the MSW operating costs. An audit trail shows the separate incremental capital costs, which are paid directly by private industry. |
| 6 | | | | | X | Hold governments to what they do, let private industry do what it does.<br>Private enterprise should not benefit form public funding (grants). If the Crown continues to condone these partnerships through funding, private enterprise will continue to ride on the coat tails of the MSW facility while reaping the benefits. |
| 7 | | | | | X | The Alberta Government should not fund facilities that accept any form of industrial/oilfield waste, as the market is willing to bear these costs and already does at private facilities, funding regional sites creates an uneven playing field. Why should the government provide funds to anybody who is receiving waste for a profit or from industry? Industry should not be subsidized for the waste that it produces. Government funding for regional landfills that are providing waste disposal facilities for municipal solid waste being generated within the community is acceptable but subsidizing municipal solid waste being imported from outside a regional jurisdiction should not be subsidized. |
| 8 | | | | | X | The Alberta Environment grant program should not be used to fund the development on industrial and oilfield waste operations at regional landfills. The grant program should continue to be used to provide the necessary start up funds for the development of regional facilities where the infrastructure costs are a significant barrier to achieving a basic level of municipal waste disposal services for residents in a given area. |
| 9 | | | | | X | Part of the approval process should require the applicant to identify an economic need for the facility. In any case no grant should be offered if an economic analysis shows that it will be a profitable business. Government should never be in business including the waste management business. |
| 9 | 1 | 0 | 1 | 2 | 5 | |
| # 3 | 11% | 0% | 11% | 22% | 56% | |

**4. Financial security requirements should be the same whether the approval holder is a municipality or a private enterprise. - PUBLIC**

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| 1 | X | | | | | Why should a municipality be burdened with additional costs? Too much of this occurs. Private sector may not sustain their business, therefore financial security is required. |
| 2 | | | | | | Operating protocol procedures should be in place and reviewed as part of the licensing process. |
| 3 | | X | | | | Municipal revenue benefits all taxpayers. Private enterprise benefits ones own financial gain. |
| 4 | | | | X | | Not indicated. |
| 5 | | | | X | | Assuming remediation costs would be the same for a private enterprise and a municipality, financial security requirements should also be the same. |
| 6 | | | | | X | The financial security required to remediate emergency environmental effects should be the same, whether the facility is private, municipal or any combination of these. |
| 7 | X | | | | | Like it or not, municipalities are not going anywhere. Why punish the non-offenders who don't cut corners like private industry. |
| 8 | | X | | | | The potential for failure and resulting liabilities is substantially less for a municipal landfill. Closure / post closure funding is required and the means of calculation of the amount is now specified. |
| 9 | | | | | X | Not indicated. |
| 10 | X | | | | | Private enterprise should receive financial assistance similar to public ones if they operate under the same conditions.<br>...they follow the principals established by publicly elected board.<br>their operation is monitored by a publicly elected board. |
| 11 | X | | | | | Municipalities have a long history of stability that precludes the necessity of securities and perhaps private landfill owners should be offered the same consideration if the circumstances are similar. We don't believe that the scenario should be reversed unless there is a suspicion that the Municipality may become insolvent. |
| 12 | | X | | | | Our longevity is assured, private enterprises are under no assurance of longevity. |
| 13 | | | X | | | Financial security can also be represented by carrying Environmental Impairment Insurance, which is assessed every 2 years and increases or decreases based on insurance issues. Again, we carry and are responsible for paying their premiums. |
| 14 | | | | X | | Not indicated. |
| 15 | | | | | X | Not indicated. |
| 16 | X | | | | | I agree with the way it is set up today. I do feel that should a private enterprise decide to approach a municipal landfill to set up an area of that landfill for specialized non-hazardous o/i waste, the private enterprise should be asked to provide financial security. |
| 17 | X | | | | | AENV may want to consider reducing the security for private landfills partnering with municipal or regional landfills, as municipalities are very stable entities with a fairly reliable revenue stream. |
| 18 | | | | X | | The principal of a public sector landfill, or the industrial waste-handling component, being required to comply with exactly the same financial security requirements, as it would be if the landfill were privately owned, is fair. |
| 19 | | | X | | | Financial securities are required to protect the public and to transfer risk due to poor performance from the public back to the owner of the landfill. Because the public entity will always exist and can always be found, the risk that the public at large will have to fund remediation actions are small. This is not true for private corporations that own landfills. If a private enterprise wishes to create a partnership where they would in effect have "ownership" (almost like a strata) of a site within a regional or municipal landfill it perhaps would be reasonable that they should provide financial security. |
| 20 | X | | | | | Not indicated. |
| 21 | | | | | X | Waste is being managed; it should not matter by whom, only by the actual operation. |
| 22 | X | | | | | Municipalities are established and continue, they are not here one day and gone the next. There is no need to require security from municipalities. |

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| 23 | | X | | | | It is scary to think that private sector companies come and go, however under partnership agreements with municipalities security monies can be accumulated through rental agreements and safely invested. On the other hand without the municipal partner the security (if not required by the private enterprise approval holder) may not be properly administered and lost. Unfortunately my opinion is the one of mistrust and follows the cliché of "a few bad apples ruined the barrel". It is also felt that "how much is enough" financial security is a bit grey and that some sort of quantifiable measurable formula would be valuable. |
| 24 | X | | | | | Private enterprise can go bankrupt. A municipal will always be around in one form or another |
| 25 | | | | | X | Not indicated |
| 26 | | | | | X | Not indicated |
| 27 | | | | | X | These sites should be placing in trust a set amount aside for future closures and unforeseen events so that at the end of the day the Alberta government is not holding the cost of any private, municipal or regional facility for these costs. We must have some way to ensure that closure costs plus operation costs through bankruptcy or negligence do not fall back on the province or its citizens. |
| 28 | X | | | | | If the approval holder is a municipality, financial security requirements should be minimized. The province has many ways to influence or force municipalities to act responsibly, and $ security should not be an issue. Municipalities exist at the pleasure of the province and the province could withhold grants for other purposes if non-compliance becomes an issue. |
| 29 | | | | X | | Not Indicated |
| 30 | | | | | X | Level playing field. |
| 31 | X | | | | | |
| 32 | | X | | | | Up front financial security is necessary for private sector firms to protect the host municipality and/or AENV if the private company defaults on its commitments.<br>As for municipal security, AENV requires Waste Commissions to build security reserves into operational budgets annually for closure and post closures. |
| 33 | | | | | X | Not Indicated |
| 34 | | | | X | | Financial Security should be assessed equally. Should a municipality(s) decide to compete with private industry in the landfilling of non-hazardous waste they should be assessed similarly. If a municipality is using the material for intermediate cover & not landfilling it, no security should be charged. |
| 35 | | X | | | | Not Indicated |
| 36 | | | | X | | Not Indicated |
| 37 | X | | | | | Municipalities are government as well. We are not in a position of going away or declaring bankruptcy, etc. |
| 38 | | | | | X | Fair for all |
| 39 | | | | X | | The rules have to be the same for everyone. If they are not the possibility exists that abuse would occur. By keeping the security requirements the same it, at the very least, ensures that there is money available for clean up if necessary. |
| 40 | | | X | | | Not Indicated |
| 41 | | | X | | | Not Indicated |
| 42 | X | | | | | Not Indicated |
| **41** | **13** | **6** | **4** | **8** | **10** | |
| **#4** | **32%** | **15%** | **10%** | **20%** | **24%** | |

**4. Financial security requirements should be the same whether the approval holder is a municipality or a private enterprise.**

| Number | 1 strongly disagree | 2 | 3 | 4 | 5 strongly agree | Comments |
|---|---|---|---|---|---|---|
| 1 | | | | | X | All landfills should have the same liabilities. The degree of liability should reflect the class of landfill being operated. |
| 2 | | | | | X | The cost of clean up must be addressed by financial assurance. If the municipality gets a free ride, then there is unfair competition with private operators who must put up millions of dollars in security. In our case, $2.2 million. |
| 3 | | | | | X | This is a significant issue when ensuring a private operation has a level playing field to establish a facility (landfill). The municipalities or regional commission should be required to post security, and advise the public, so that taxpayers are aware of the environmental and financial risks. |
| 4 | | | | | X | Financial security requirements need to be the same; it's a means of maintaining a level playing field and equality. |
| 5 | X | | | | | An inequity currently exists with private landfills. As long as the Municipalities are accounting and accumulating *Closure and Post Closure* Costs for the oilfield waste cells there will be greater funds in trust than private landfills. Alberta Environment has the opportunity with *New Applications* to assure the Municipalities are accumulating these funds for the facility. |
| 6 | | | | | X | Oilfield waste should be banned from disposal into municipal landfills of any kind. All landfill facilities, regardless of ownership, should be required to post financial security. Alberta Environment should be required to pay for most of these municipal MSW landfills that have existing contamination problems. |
| 7 | | | | | X | Absolutely, if municipal landfills want to compete for industrial/oilfield waste with private landfills, there needs to be a level playing field and everyone should be required to post financial assurance in the same amounts and based on the same criteria. The financial assurance should be proportional to the amount of waste in place and the engineering and monitoring controls required to manage the site in a duly diligent manner. |
| 8 | | | | | X | Financial security is required, in the event of bankruptcy or lack of sufficient funds, as a designated source of money for closure, monitoring and remediation of facilities. Sufficient funds and security should be required to close and monitor the landfill in the event of abandonment by the permit holder. Closure funds, established as designated accounts, are a reasonable alternative to establishing security. Example: a fixed dollar amount per tonne is added to a closure amount, up to an agreed upon limit which would address all of the costs for the closure, decommissioning and monitoring of the facility in the event of bankruptcy. The amount of security required for each facility should be determined on a case-by-case basis; a requirement for security should be consistent between private sectors and municipalities, but the amount should reflect the risk involved. |
| 9 | | | | | X | The financial security formula as prescribed by Alberta Environment should be the same for any landfill that applies to Alberta Environment to receive oilfield or industrial waste. The application will trigger financial security requirements. If a municipal landfill is only receiving MSW then financial security would not be required. |
| **9** | **1** | **0** | **0** | **0** | **8** | |
| **#4** | **11%** | **0%** | **0%** | **0%** | **89%** | |